

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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BRUNSON COMMUNICATIONS, INC. :
:
Plaintiff :
: Civil Action No.: **02 CV. 3223 (MJB)**
v. :
:
ARBITRON, INC. :
:
Defendant :
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DEFENDANT'S MOTION TO DISMISS
AMENDED COMPLAINT PURSUANT TO F.R.CIV.P. 12(b)(6)

Defendant Arbitron, Inc., by its undersigned attorneys, hereby moves this Court for an Order, pursuant to F.R.Civ.P. 12(b)(6), dismissing Plaintiff's Amended Complaint with prejudice. The grounds for said Motion are that the Complaint fails to allege facts upon which relief can be granted as a matter of law. In support of its said Motion, Defendant incorporates the facts and argument set forth in its attached Memorandum of Law and the Declaration of Marshall Snyder, with Exhibits.

Defendant requests oral argument of this Motion.

Respectfully submitted,

SPECTOR GADON & ROSEN, P.C.

Date: August 22, 2002

By: _____
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ORDER

AND NOW, this ____ day of _____, 2002, upon consideration of Defendant Arbitron, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint pursuant to F.R.Civ.P. 12(b)(6), and Plaintiff's opposition thereto, it is hereby

ORDERED, ADJUDGED and DECREED that said motion is GRANTED, the within action be, and the same hereby is, DISMISSED with prejudice for failure to state a claim.

BY THE COURT:

MICHAEL J. BAYLSON, U.S.D.J.